APPENDIX E.

Extract from the Police Manual.

Charges against the Police, etc.

Orders regarding Police misconduct.

"1231. Government have issued the following administrative orders in connection with the investigation of charges of serious misconduct made against the Police :—

(1) For purposes of these rules, with the exception of rule (7) below, 'serious misconduct' means the causing of grievous hurt, torture of a cruel nature, extortion and other misconduct of a like nature, Magistrates and Police officers must use their discretion, subject to the guidance of the District Magistrate, in applying this rough definition.

(2) When complaint is made to the Police or to a Magistrate of serious misconduct on the part of any Police officer, or when such misconduct comes to the notice of the Police or of a Magistrate in the course of investigation or otherwise, immediate information shall be sent by the Police or the Magistrate, as the case may be, to the District Magistrate (in the City of Bombay to the Commissioner of Police).

(3) In any case of alleged serious misconduct, when complaint is made direct to the Police or when such a complaint has been referred to the Police by a Magistrate for previous local investigation under Section 202, Criminal Procedure Code, the Superintendent, Assistant or Deputy Superintendent of Police (in the City of Bombay, the Commissioner or a Deputy Commissioner of Police), shall forthwith on receiving the information proceed to the scene of the alleged offence, and shall, under the provisions of Section 551 of the Criminal Procedure Code, assume the position of investigating officer (*cf.* rule 1075, pages 651–653 of the Police Manual, Vol. III). The same procedure shall be followed in respect of all cases referred to in rule (6) or rule (7) below.

(4) It is desirable that all cases of serious misconduct by the Police should be tried by the District or a Sub-Divisional Magistrate, or by a Magistrate of the First Class specially selected by the District Magistrate; and this result can be obtained by District and Sub-Divisional Magistrates making use of their powers under the Criminal Procedure Code, section 528 (1)."

(Pp. 724–25, Bombay District Police Manual, Vol. III, 6th Edition, 1927.)

" (3) Charges of ill-treatment against the Police are also frequently made by accused persons before they reach a prison where examination by a medical officer is possible. These charges are so common that they appear to be regarded by criminals as a kind of useful support to other lines of defence and are generally made, as His Excellency the Governor in Council believes, without foundation in fact. It is desirable to verify such complaints at the earliest possible moment for the protection of the police in the discharge of their duty when such charges are falsely made, or, where they are true, to enable the Magistracy to take prompt action against the offenders. His Excellency in Council therefore directs that in all cases the Magistrate, before whom a prisoner may be first brought, whether for confession or otherwise, shall invariably question the prisoner on this point and place on record the questions put and answers given. If any allegation of ill-treatment be made, he shall there and then examine the prisoner's body if the prisoner consent, to see if there are any marks of injuries as alleged, and shall place on record the result of his examination. If the prisoner refuses to permit such examination, the refusal and the reason therefor shall be recorded. If the Magistrate finds that there is reason to suspect that the allegation is well founded, he shall at once record the complaint, cause the prisoner to be examined by a medical officer, if possible, and if he has not power to take up the necessary enquiry himself, forward him with this record to the Magistrate having jurisdiction to investigate the case." Medical examination and magisterial investigation.

(Paragraph 1233, pp. 727–28, Bombay District Police Manual, Vol. III, 6th Edition, 1927.)

" 1188. (1) When any person dies in Police custody or when attending before the Police for an enquiry, an immediate report should be made direct to the District Magistrate and to the nearest local Magistrate by the Sub-Inspector of the Police Station concerned, copies being sent simultaneously to the Superintendent of Police and to the Sub-Divisional Officer, if any. Deaths in Police Custody.

(2) The corpse of such a person should be promptly sent for post-mortem examination.

(3) On the occurrence of such a death the Sub-Divisional Officer and if necessary, the Superintendent of Police should proceed to the spot at once and make inquiries in person, forwarding his report to the District Magistrate with the least possible delay. If the inquiry is made by a Sub-Divisional Officer, in addition to sending his report direct to the District Magistrate, he will despatch a copy simultaneously to the Superintendent of Police. Copies should also be sent by the officer making the inquiry direct to the Inspector General of Police and Range Deputy Inspector General.

Note.—The fact, that the Sub-Divisional Officer should proceed at once to make the local inquiry in a case of this nature within his Sub-Division, does not absolve the Superintendent of Police from all responsibility in the matter. He is expected to keep in close touch with such events and, if he considers it necessary or desirable, to proceed himself and make enquiries in addition to, or in lieu of, those made by any officer subordinate to him.

(4) In the event of such a person dying in hospital and the medical officer certifying that the person died from natural causes, a personal inquiry on the spot may be dispensed with, all that is required being a simple report detailing the facts and the cause of death accompanied by the medical officer's certificate, provided that the medical officer is not of lower rank than an Assistant Surgeon.

(5) The above orders do not apply to prisoners dying after conviction or to those dying at the camp of a District Magistrate or Sub-Divisional Magistrate."

(P. 708, Bombay District Police Manual, Vol. III, 6th Edition, 1927.)